

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Carlos Lattrell McAdory,

Case No. 22-cv-769 (WMW/LIB)

Petitioner,

v.

REPORT AND RECOMMENDATION

United States of America,

Respondent.

This matter comes before the undersigned United States Magistrate Judge pursuant to a general assignment made in accordance with the provision of 28 U.S.C. § 636, and upon the routine supervision of the matters that pend before the undersigned.

In a letter dated March 31, 2022, the Clerk of Court informed petitioner Carlos Lattrell McAdory that he was required to pay the filing fee for this action or apply for in forma pauperis status within fifteen (15) days. Petitioner was forewarned that if he failed to do so this action could be summarily dismissed without prejudice. (See, Letter [Docket No. 2]).

That deadline has now passed, and Petitioner has not paid the filing fee for this action or applied for IFP status. In fact, Petitioner has not communicated with the Court about this case at all since this action was commenced.

Accordingly, it is now recommended, in accordance with the prior communication of the Court, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. See, Henderson v. Renaissance Grand Hotel, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this action be **DISMISSED without prejudice** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: April 27, 2022

s/Leo I. Brisbois
Hon. Leo I. Brisbois
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).